

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 2, 1953
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll call:

Present: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Absent: None

MRS. A. G. SIEVERS, Playground Committee from the Zilker School District, represented a delegation from that area, and asked that the City get a 90-day option on some land on Kinney Avenue adjacent to the Kinney Avenue Fire Station which land is available and could be purchased for \$13,500. She asked also that the suit for the other property adjacent to the School be dropped. She reported that this had been approved by the P.T.A.; also by the Parks Board. SENATOR JOHNNIE B. ROGERS urged that a park be established in this area. The Mayor stated the four and one-half acres in the tract under condemnation was the more desirable tract as it was adjacent to the school. The Recreation Director reported that the land committee of the Parks Board, and the Recreation Department would like to see an option taken on this property. Councilman Long felt the first tract would be better as the facilities of the gym would be available the year round, but that it might be well to look into this other property. Councilman MacCorkle moved that the City Manager be instructed to get the facts on the matter and report back to the Council the following week. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The Council greet members of the Girl Scouts.

The City Manager submitted the files of E. L. RHAMBO and HENRY PRIOR for information of the Council in regard to the petition filed by the two men the week before.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utilities easement was reserved and dedicated to the public on a map or plat of Willow Brook Addition, a subdivision of a portion of the Thomas Hawkins Survey, in the City of Austin, Travis County, Texas; which map or plat is recorded in Book 4, Page 259, Plat Records of Travis County, Texas; and

WHEREAS, the portion of the easement hereinafter described along the dividing line between Lots 1 and 2, Block D of said subdivision, is not now needed and hereafter will not be required by the City of Austin; and

WHEREAS, the portion of the easement thirty (30) feet in length which runs along the side property lines from the rear property corner between Lots 1 and 2, Block D of said subdivision is still needed for public utilities; Now Therefore,

BE IT RESOLVED BY THE CITY OF AUSTIN:

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of that portion of the public utilities easement, described as follows:

- (1). The west eighty (80) feet of the south five (5) feet of Lot 1 of said Block D of the aforementioned subdivision.
- (2). The west eighty (80) feet of the north five (5) feet of Lot 2 of said Block D of the aforementioned subdivision.

The motion, seconded by Councilman MacCorkle, carried by the following vote:
 Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
 Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Fan Marker located on an .07 acres of land out of the J. P. Moulden 7.348 acre tract as described in Volume 1221, page 525, of the Deed Records of Travis County, Texas, leased by the City of Austin to the United States by contract, dated September 2, 1952, is preventing television reception by the residents of the northern portion of the City of Austin; and,

WHEREAS, at the time such contract was executed it could not have been anticipated that the Fan Marker would interfere with television reception; and,

WHEREAS, the joint efforts of the Civil Aeronautics Authority and the City of Austin, to relocate the Fan Marker have been unsuccessful; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That Congressman Homer Thornberry and Senators Lyndon Johnson and

Price Daniel, be hereby petitioned to inquire into the matter of relocating said Fan Marker and to request the Civil Aeronautics Authority to take such action as may be necessary to effect an immediate relocation to a site where the Fan Marker will serve its purpose and not interfere with television reception.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Bradfield and Brush in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identifications, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under WATER MAIN EXTENSIONS - Contract File No. 669-C)

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Hugh Leiper in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identifications, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under WATER MAIN EXTENSIONS - Contract File No. 671-C)

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The City Manager submitted the following Memo regarding the Electrical Work for Low Service Pump Station at New Filter Plant:

"Bids were opened March 31, 1953, at 10:00 A.M. for electrical work at the New Filter Plant Low Service Pump Station and are tabulated as follows:

	<u>Dean Johnston</u>	<u>W. K. Jennings</u>	<u>R. O. Davis, Inc.</u>
Lump Sum Bid	\$44,825.00	\$44,900.00	\$49,265.00

"I recommend that we accept the low bid of Dean Johnston for \$44,825.00 for the electrical work at the Low Service Pump Station according to specifications for electrical work at the Low Service Pump Station by Freese and Nichols, Consulting Engineers, Fort Worth, Texas.

"The Engineers' estimate of the cost of this portion of the project was \$50,000.00.

"(Sgd) D. C. Kinney, Superintendent
Electric Division

"Approved
(Sgd) W. E. S.
W. E. Seaholm, City Manager"

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on March 31, 1953, bids were received by the City of Austin for the electrical work at the New Filter Plant Low Service Pump Station; and,

WHEREAS, the bid of Dean Johnston, in the sum of \$44,825.00 was the lowest and best bid, and the acceptance of such bid has been recommended by the Superintendent of Electric Department of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Dean Johnston, in the sum of \$44,825.00, be and the same is hereby accepted, and that W. E. Seaholm, City Manager, be and he is hereby authorized and directed to enter into contract with Dean Johnston for the electrical work at the New Filter Plant Low Service Pump Station.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Council received the following:

"April 2, 1953

"To The City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work
of Improving West 5th Street from
Guadalupe Street to Lavaca Street
(Both sides), being Unit 5 of
Current Improvement Program.

"The work of improving West 5th Street, from the east curb line of Guadalupe Street to the west curb line of Lavaca Street (Both Sides), known as Unit 5 in the current street improvement program, has been performed and completed by John R. Andrews in full compliance with the Contract, and the Plans and

Specifications therein contained, dated February 26, 1952, between the City of Austin and John R. Andrews.

"I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the Contract, Plans and Specifications referred to above.

"Respectfully submitted,
(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas"

Mayor Drake introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING WEST 5th STREET, UNIT 5, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY JOHN ANDREWS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the second time and Councilman Johnson, moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the third time and Councilman Johnson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 6.2 ACRES OF LAND, MORE OR LESS, OUT OF THE HENRY WARNELL SURVEY IN TRAVIS

COUNTY, TEXAS, WHICH 6.2 ACRES OF LAND, MORE OR LESS, IS ALL THAT PORTION OF A PROPOSED SUBDIVISION TO BE KNOWN AS DEVONSHIRE PARK, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

The ordinance was read the first time and Councilman Johnson moved that the ordinance be passed to its second reading and laid over for publication as required by the City Charter. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was then laid over.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in Hackberry Street, from a point 76 feet east of Navasota Street, westerly 65 feet, the centerline of which gas main shall be 26.5 feet north of and parallel to the south property line of said Hackberry Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in Hammack Drive, from a point 300 feet east of Guadalupe Street, easterly 275 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said Hammack Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in Gillis Street, from a point 55 feet north of Redd Street, southerly 1139 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Gillis Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in Rabb Road, from a point 170 feet west of Norris Drive easterly 179 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said Rabb Road.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in Norris Drive, from Rabb Road southerly 215 feet, the centerline of which gas main shall be 9 feet east of and parallel to the west property line of said Norris Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in Norris Drive, from a point 215 feet south of Rabb Road southerly 45 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said Norris Drive.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "C-1" COMMERCIAL DISTRICT ON LOTS 10, 11 and 12, BLOCK 3, MARTIN'S SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE

ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON LOTS 6, 7 and 8, BLOCK 3, SUNRISE ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the application of Alfred C. Carr, filed by his agent and general contractor, S. B. Holder, to remove and replace two glass skylights located in the sidewalk on the south side of East Sixth Street adjacent to Lot 6, Block 56, Original City of Austin, the first skylight located approximately forty (40) feet east of the northwest corner of Lot 6 to be replaced and closed with reinforced concrete and the second skylight located approximately fifty-one feet eight inches from the northwest corner of Lot 6 to be replaced by two 3/16 inch plate steel doors, such doors to open up into the sidewalk area, to have stay chains between them, to have a fastener on the basement side only, and to have gritters on the under side and tear drains on the outer side, be and the same is hereby granted, and the Building Inspector is hereby authorized to issue a permit for such construction, said grant and permit to be subject to the following conditions:

1. The closing of the first skylight and replacement of the second skylight shall be constructed and maintained in compliance with all ordinances relating thereto,

2. The permit shall be issued and accepted subject to all reasonable police and health regulations of the City of Austin, now existing or hereafter adopted,

3. The City of Austin may revoke such permit at any time and upon such revocation the owner of the said Lot 6, Block 56, will remove said doors, replace them with a concrete sidewalk and pay all costs and expenses attendant therewith,

4. Acceptance of such permit shall constitute an agreement by the owner of the said Lot 6 to indemnify the City of Austin from any damages to persons or property caused by the construction and maintenance of the said doors.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Troy Ragland is the Contractor for the remodeling of a building located at 913 Congress Avenue and desires a portion of the sidewalk and street space abutting the south 23 feet of Lot 4, Block 111, of the Original City of Austin, Travis County, Texas, during the remodeling of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Troy Ragland, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 6 feet east of the east curb line; thence in a southerly direction and parallel to the centerline of Congress Avenue approximately 23 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Troy Ragland, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be

permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will be permitted to use two parking meter spaces for the delivery or removal of materials during construction work.

(2). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5). That the Contractor shall remove all fences, barricades, loose materials and other obstructions of the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than May 1, 1953.

(6). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Yarbrough Construction Company is the Contractor for the erection of a building located at 201 West 15th Street and desires a portion of the sidewalk and street space abutting on the north 88 feet of Lots 7 and 8, Block 174, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said Yarbrough Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 15th Street to a point 4 feet north of the south curb line; thence in an easterly direction and parallel with the centerline of West 15th Street approximately 92 feet to a point; thence in a southerly direction and at right angles to the centerline of West 15th Street to the northeast corner of the above described property;

Thence in an easterly direction and at right angles to the centerline of Colorado Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel to the centerline of Colorado Street approximately 88 feet to a point; thence in a westerly direction and at right angles to the centerline of Colorado Street to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Yarbrough Construction Company, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a four-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least four feet high and substantially braced and anchored, and without wood strips or obstructions or any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(3). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(4). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(5). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than November 1, 1953.

(6). That the City reserves the right to revoke at any time any and all the privileges hereingranted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(7). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(8). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessment for the property hereinafter described in the name of Barnes and Jones Lumber Company is incorrect for the following reasons:

"Information has been developed to the effect that only a portion of the premises of the Barnes and Jones Lumber Company was located at 8207 Lamar Boulevard within the city limits of Austin as of January 1, 1952. Accordingly, a revised inventory has been submitted taking into consideration this fact.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1952	Merchandise	17,300	1,510
1952	Furniture and Fixtures	1,820	1,820
1952	Equipment	150	150

"(Sgd) T. B. Marshall
City Tax Assessor and Collector"

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of Barnes and Jones Lumber Company, and has found the same to be erroneous for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustment, Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following tax assessment for the year shown be, and the same is, hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1952	Merchandise	17,300	1,510
1952	Furniture and Fixtures	1,820	1,820
1952	Equipment	150	150

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS TO SERVE AT THE VARIOUS POLLING PLACES IN THE VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN DURING THE TERM OF TWO YEARS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MARCH 19, 1953, AND IS RECORDED IN BOOK "S" OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 OF SAID ORDINANCE; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Walnut Hills, Section 5", approved by the City Planning Commission of the City of Austin on March 12, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Breezy Hollow No. 5, Section 2", approved by the City Planning Commission of the City of Austin on March 26, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the

ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the final plat of the subdivision known as "Poehlmann Acres", approved by the City Planning Commission of the City of Austin on March 26, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

MR. M. H. CROCKETT, speaking in reference to the property on Lamar between 35th and 37th Streets, asked permission for a small office building on this property, as under the present rules of set-back there was not enough room. He wanted to rent the property for a used-car lot if he had office space. He asked for a temporary permit for five years. He was advised to request the Building Inspector for a permit to put a trailer on wheels (as he had also asked for) at this location, and the Building Inspector would then ask the Legal Department for an opinion. The City Attorney had already advised Mr. Crockett's attorney to apply to the Building Inspector for whatever use he wanted to make of the property, and the Building Inspector would determine whether it could be authorized; and if he could not determine it, he would ask for a legal opinion.

Pursuant to published notice thereof, the following amendment to the Zoning Ordinance was brought before the Council for public hearing:

SECTION 17-B. In the Sixth Height and Area District the height of buildings, setbacks, the minimum dimensions of yards and courts, the minimum lot area per family, minimum yard areas and parking areas shall be as follows:

(a) Height. In this district no building hereafter erected or structurally altered or changed shall exceed thirty-five (35) feet in height.

(b) **Setback.** There shall be a setback from all street lines of not less than twenty-five (25) feet for the building line including steps, porches or walls of any building, and no building hereafter erected or structurally altered shall project beyond the minimum lines herein established, except for (1) the ordinary projections of window sills, belt courses, cornices, eaves, and other ornamental features or awnings and marquise suspended from the building and extending not more than six (6) feet, and (2) filling station canopies not exceeding two (2) feet in depth and filling station pumps and pump islands the forward edge of which shall be setback not less than 12 feet from the property line.

(c) **Rear and Side Yard Dimensions.** Where Sixth Height and Area District coincides with an "A" Residential or "B" Residential District, there shall be a rear yard of not less than five (5) feet in depth and side yards the total width of which shall be not less than fifteen (15) feet, and each of which shall be no less than five (5) feet in width. Where Sixth Height and Area District coincides with any district other than "A" or "B" Residential, but adjoins an "A" or "B" Residential District, rear and side yards not less than five (5) feet in width shall be provided on the property within Sixth Height and Area District along the property lines which adjoin the "A" or "B" Residential zone.

(d) **Inner Court.** The least dimension of an inner court shall be not less than six (6) feet, nor less than two and one-half ($2\frac{1}{2}$) inches for each foot of height of such court, nor shall its area be less than twice the square of its required least dimension.

(e) **Yard Area.** The total yard area, including front, side and rear yards, but excluding the yard areas included in set-backs from streets, shall be not less than the floor area of the building or buildings on the property. For the purpose of this provision, floor area of buildings designed and used as automobile parking or storage garages shall not be included in computing floor area of buildings on the property, and the ground area occupied by such garages shall be considered the same as yard area. No building or structure other than such garages shall occupy any part of the yard area required by foregoing provisions of this paragraph.

(f) **Lot Area.** Where an "A" Residential District coincides with Sixth Height and Area District, every building erected or structurally altered shall provide a lot area of not less than thirty-five hundred (3500) square feet per family. Where any other USE district coincides with Sixth Height and Area District, every residential building erected or structurally altered shall provide a lot area of not less than two thousand (2000) square feet per family.

(g) **Parking Area.** Within the yard area prescribed in paragraph (e) hereof, there shall be provided parking space and adequate driveway area to allow clear access and parking for at least one automobile for each family unit on property developed and used for residential purposes, and clear access and parking for at least one automobile for each four hundred (400) square feet of floor space in the building or buildings

not used for automobile parking, in all other cases.

(h) Waiver of Rear or Side Yard. Where the Sixth Height and Area District coincides with "C" Commercial or "D" or "E" Industrial Districts, and where the side or rear yard abuts on alley, the side and rear yard dimensions may be waived.

(i) Variances. Variances may be granted to the requirements of this Section in accordance with Section 27 hereof. However, no variance shall be granted to the automobile parking area requirements unless variance from all other provisions hereof cannot afford relief.

MR. M. H. CROCKETT appeared before the Council in the interest of this amendment to the Zoning Ordinance, and felt this new district would be slapped on Lamar and would kill the use of the property; if parking is restricted on one street, let it be restricted all over town. He asked that this not be passed. MR. ASHLEY spoke for the amendment. Councilman Long wanted to study the 35' height item before taking action. The matter was laid over to be continued the following week.

The Council set the following applications for change of zoning for public hearing on April 23, 1953 at 11:00 A.M.:

FEHR & GRANGER	Lot 7 and the $W\frac{1}{2}$ of Lot 6, Blk. 169, Original City, locally known as 407 E. 15th Street.	From "B" Residence To "C" Commercial RECOMMENDED by the Planning Commission
DR. A.H. NEIGHBORS, SR.	0.304 acres out of the J. C. Tannehill League.... fronting 139.33' on the south side E. 5th, beginning 354.97' west of the west property line of Shady Lane, locally known as 4901-4909 E. 5th St.	From "A" Residence To "D" Industrial RECOMMENDED by the Planning Commission
R. G. WALKER	A one acre square tract of land fronting 208.6' on Shady Lane.... locally known as 1109A-1115A Shady Lane	From "A" Residence To "D" Industrial RECOMMENDED by the Planning Commission
ROBERT VAN ZANDT	The north 200' of a 1.05 acre tract.... fronting 104.43' on E. 12th, locally known as 3505 East 12th St.	From "A" Residence To "C" Commercial NOT RECOMMENDED by the Planning Commission.
A. VAN SMITH	Lot 9, Blk. C, Homewood Heights, locally known as 2703 Sol Wilson Ave.	From "A" Residence To "C" Commercial NOT RECOMMENDED by the Planning Commission.

The Council decided to meet at 3:00 P.M., Monday, April 6, 1953, to canvass the returns of the General Election on April 4th.

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Plan Commission:

JUDGE WILL R. WILSON, JR.	1300 & 1400 Blks. Lightsey Road	From "A" Residence To "D" Industrial
A. H. VISCARDI	1100-12 West Lynn or 1601-05 West 12th	From "C" Commercial To "C-1" Commercial
A. H. VISCARDI	1510 West Avenue	From "A" Residence To "B" Residence
DR.A.H.NEIGHBORS,SR.	417 Spencer Lane	From "A" Residence To "D" Industrial

The Council received a petition from property owners in the area of Exposition Boulevard and West 35th Street, from ~~from~~ the Camp Mabry gate west on 35th toward Mt. Bonnell, asking that something be done to relieve the dust on the streets in this area. The petition was dated March 24th, and was submitted by Mr. Richard W. Pohl, 3406 Exposition Blvd. The petition was turned over to the City Manager for attention.

Councilman MacCorkle left the meeting of the Council at this time.

Councilman Long moved that the Colored State Teachers Association be granted permission to block off the street in front of their Headquarters Building during the opening of the building. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

Councilman Long asked about the outcome of the request of the Church on Lydia as to building the sidewalk around the trees. The City Manager stated this had been okeyed. She asked that he check on it, as the people did not know the request had been granted.

Councilman Long submitted a request from someone at 2803 Manor Road that Curtis Street needed improving, as the Street and Bridge Department was out

there, but the street needed further improving. She had another request that Norwalk Lane was being used by the trucks going into the new school site and leaving lots of dust and that something be done to relieve the situation.

Councilman Long reported that MR. DAVIS, 507 West 13th, asked that stop signs be put on these streets (13th & Nueces) as the cars were so wreckless. She asked that the City Manager refer this to the Traffic Department. The visibility was bad at this corner as the cars were parked around there and there is a lot of speeding.

The Council received a petition from property owners on the West side of the Interregional Highway between Concordia Avenue north to 41st Street asking that this Council act on the zoning before it retires from office. (Petition filed by Mr. Watt Schieffer)

There being no further business the Council adjourned subject to the call of the Mayor.

APPROVED: W. S. Davis, Jr.
Mayor

ATTEST:

Elin Hoodley
City Clerk